

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HUDSON REALTY CAPITAL FUND III LP, HRC
FUND III POOLING DOMESTIC LLC, and HRC
FUND III POOLING REIT, LLC,

Plaintiffs,

-against-

MILLENNIA LUXURY CONDOMINIUMS (FLORIDA)
LLC, UDUARDO AVILA and JACK KAPLAN,

Defendants.

Civil Action No.: _____

NOTICE OF REMOVAL

Millenia Luxury Condominiums (Florida) LLC, Eduardo Avila and Jack Kaplan, Defendants pursuant to 28 U.S.C. §§ 1441, 1446 and in accordance with Local Civil Rule 81.1 of this Court, provide the following Notice of Removal of the action filed in the Supreme Court of the State of New York, County of New York, Index No. 601392/07, and provides the following information.

1. A civil action was commenced by the Plaintiffs in the Supreme Court of the State of New York, County of New York (Index No. 601392/07) (hereafter the "State Court Action"). Removal is proper based upon the fact that this Court would have original jurisdiction. Diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

2. Eduardo Avila, one of the individual Defendants, is a citizen and resident of the State of Florida. Mr. Avila's residence address is 236 Costanera Road, Coral Gables, Florida 33143, and his business address is c/o Key Realty Advisors, Inc. 2601 South Bayshore Drive, Suite 200, Miami, Florida 33133.

3. Jack Kaplan, one of the individual Defendants, is a citizen and resident of the State of Florida. Mr. Kaplan's residence address is 13678 Deering Bay Drive, Miami, Florida 33158, and his business address is New Dawn Companies, 2601 South Bayshore Drive, Suite 200, Miami, Florida 33133.

4. Millenia Luxury Condominiums (Florida) LLC is a Florida limited liability company having its principal place of business in Miami, Florida.

5. On information and belief based on the allegations contained in the State Court Action, each of the Plaintiffs are Delaware limited liability entities with principal places of business in New York.

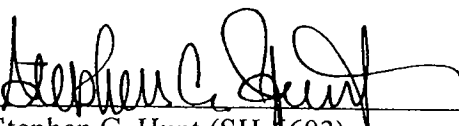
6. A copy of the Summons and the Complaint was delivered via overnight delivery on April 27, 2007 on counsel for the Defendants. Counsel for the Defendants is unsure whether or not this is an attempt at effecting service of process, or was merely the furnishing of a courtesy copy.

7. The State Court Action was filed on April 26, 2007.

8. Attached hereto and to be made a part hereof is a copy of all process and pleadings in the State Court Action that has been delivered to counsel for the Defendants. Counsel for the Defendants believe that the attachment hereto constitutes all of the pleadings filed to date in the State Court Action.

9. All of the requisites mandated by 28 U.S.C. § 1441 are present, and the procedures mandated by 28 U.S.C. § 1446 have been complied with.

ADORNO & YOSS, LLP
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